

Juror Number _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:

UNITED STATES OF AMERICA

:

- v. -

JURY QUESTIONNAIRE

:

ANTHONY COLOMBO, : 04 Cr. 273 (NRB)
CHRISTOPHER COLOMBO, :
JOHN BERLINGIERI,
a/k/a "John Ferrara," :
a/k/a "Mary Peters," :
a/k/a "Blair Robinson," :
a/k/a "Frank Masters," :
a/k/a "Paula Jetson," :
a/k/a "Michael Contessa," :
JOSEPH FLACCAVENTO, :
NUNZIO FLACCAVENTO, :
FRANCIS ALTIERI, :

Defendants. :

----- x

JUROR NUMBER _____

Instructions

Please affirm that all answers given in this questionnaire are true, complete, and accurate to the best of your ability by writing your Juror Number in the appropriate box below:

I affirm that all answers given in this questionnaire are true and accurate

to the best of my ability _____

Juror Number _____

This questionnaire is not meant to unnecessarily ask about personal matters. The purpose of this questionnaire is to (1) expedite the jury selection process in this case; (2) determine whether each juror will be fair in deciding the case; and (3) provide information to help the Court and counsel decide which jurors they will excuse from the panel.

DO NOT DISCUSS THE QUESTIONS OR YOUR ANSWERS WITH FELLOW JURORS. IT IS VERY IMPORTANT THAT YOUR ANSWERS BE YOUR OWN INDIVIDUAL ANSWERS.

There are no “right” or “wrong” answers; just be completely candid and truthful.

Do not read anything about the case, watch anything on television about the case, listen to anything on the radio about the case, or search for or read any information about this case on the internet. What you learn about the case you will learn in court only.

The Nature of an Indictment

An indictment is not evidence. It is merely a formal accusation. It is proof of nothing. You may draw no inference against the defendants from the fact that they have been indicted. The defendants have pleaded “not guilty” to each of the charges against them, and under the law they are presumed innocent of these charges. A defendant does not have to prove anything. The Government bears the burden of proving the guilt of any defendant beyond a reasonable doubt.

Description of the Case

The case involves criminal charges against six defendants, ANTHONY COLOMBO, CHRISTOPHER COLOMBO, JOHN BERLINGIERI, JOSEPH FLACCAVENTO, NUNZIO

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FLACCAVENTO, and FRANCIS ALTIERI. The charges include allegations of racketeering, conspiracy, operating an illegal gambling business, loansharking, extortion, commercial bribery, and mail fraud.

The racketeering enterprise of which the defendant ANTHONY COLOMBO was allegedly a member is the Colombo Organized Crime Family of La Cosa Nostra (the “Colombo Crime Family”). The defendants ANTHONY COLOMBO, CHRISTOPHER COLOMBO, JOHN BERLINGIERI, and JOSEPH FLACCAVENTO, were allegedly members of the Colombo Brothers Crew, an off-shoot of the Colombo Crime Family.

The defendants deny each and every one of the charges in the indictment.

Questions

Please answer each question by placing a check next to the correct response or by providing the information requested. Please try to write as legibly as possible.

1. Do you have any physical difficulties (for example, sight or hearing), emotional, or other problems that would interfere with your ability to serve?

Yes ____ No ____

If yes, please explain: _____

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2. Do you have any difficulty reading, speaking, or understanding the English language?

Yes ____ No ____

Optional: What other languages, if any, do you read, speak or understand? _____

3. Do you have any physical ailments or are you taking any medication or receiving any medical treatment that would prevent you from serving as a juror in this case?

Yes ____ No ____

If yes, please explain: _____

4. What is your age? ____

5. Are you: Male ____ Female ____

6. (a) Where were you born (list city and state only)? _____

(b) If you were born outside of the United States, indicate which country: _____

7. Are you:

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- a. Married _____
- b. Partner / Significant other _____
- c. Single _____
- d. Divorced / Separated _____
- e. Widow / Widower _____

8. *Optional:*

- a. *What do you regard as your ethnic background (e.g. Italian, Jewish, Polish, Korean)?*

- b. *What do you regard as the ethnic background of your spouse / significant other (if applicable)?* _____

9. How long have you lived at your present residence? _____

10. Do you live in a single family home, an apartment, a cooperative, or a condominium?

11. Do you:

- a. Own _____
- b. Rent _____

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- c. Live in a residence owned by family _____
- d. Live in a residence owned by friends _____
- e. If you own your home, what is its approximate value? _____
- f. Do you have a mortgage? _____
- g. Without identifying your specific address or street, what neighborhood do you live in?

12. What other neighborhoods, towns or cities have you lived in during the past 10 years?

13. What is the highest level of education you have completed?

- | | |
|---|---|
| <input type="checkbox"/> Grade school or less | <input type="checkbox"/> Less than 2 years of college |
| <input type="checkbox"/> Some high school | <input type="checkbox"/> More than 2 years of college |
| <input type="checkbox"/> High school graduate | <input type="checkbox"/> College graduate |
| <input type="checkbox"/> Business or technical school | <input type="checkbox"/> Post-graduate degree |

a. If you earned a degree after high school, what was your major area(s) of study?

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- b. If you are married (or have a partner), state what level of education your spouse (or significant other) has completed and the area of study: _____

14. Please check your current employment status:

Employed full-time Student
 Employed part-time Work at home
 Unemployed Disabled
 Retired Homemaker

15. If you are currently employed by another, please answer the following questions:

- a. Without mentioning the name of your employer, what type of work do you do?

- b. How long have you been at your present job? _____

- c. Do you supervise others in your job? _____

If yes, how many? _____

- d. Without mentioning the name of any union, are you a member of a union?

Yes ____ No ____

- e. Do you have a position in a union? Yes ____ No ____

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If yes, what position? _____

16. If you are self-employed, please answer the following:

- a. Without mentioning the name of your business, what type of business is it? _____
- b. How long have you been self-employed? _____

17. If retired or unemployed, what type of work had you been doing? _____

18. If you are married or live with a significant other, please answer the following questions about your spouse's / significant other's employment:

- a. Is your spouse / significant other employed? Yes ___ No ___
- b. If so, what type of work? _____
- c. If your spouse / significant other is retired or not employed, please so indicate and also describe the type of work he/she had been doing during his/her last period of employment: _____
- d. How long in his/her present job? _____

19. What is your annual household income? If you are married or live with a significant other, and your spouse or significant other is employed, please include his/her income:

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- less than \$25,000
 \$25,000-\$49,000
 \$50,000-\$99,000
 \$100,000-\$249,000
 \$250,000 or more

20. If you have children, please fill out the following chart:

<u>Age</u>	<u>Sex</u>	<u>Education Level</u>	<u>Occupation (not employer)</u>
____	____	_____	_____
____	____	_____	_____
____	____	_____	_____
____	____	_____	_____

21. Have you, a family member, or a close friend ever been employed by or had business dealings with a federal, state, or city government or any of their agencies?

Yes ____ No ____

a. If yes, please explain who and the type of employment or business dealings with the government or agency: _____

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b. If yes, is there anything about those experiences that would interfere with your ability to render a fair and impartial verdict in this case?

i. Yes ____ No ____

ii. If yes, please explain: _____

22. Have you ever served in the military? Yes ____ No ____

a. Year of entry into military: _____

b. What branch? _____

c. What was the highest rank you achieved? _____

d. What did you do in the service? _____

e. Any combat duty? Yes ____ No ____

f. Any service in the military police? Yes ____ No ____

g. Any service in courts martial as investigator, defense attorney, or prosecutor?

Yes ____ No ____

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h. Year of discharge from military: _____

i. Was an honorable discharge received? Yes ___ No ___

j. If you have had any military service, would anything about the above listed experience(s) prevent you from evaluating the evidence presented in this case in a fair and impartial manner? Yes ___ No ___

If yes, please explain: _____

23. Have you, a family member or close friend ever attended law school or been a lawyer?

a. Yes ___ No ___

i. If yes, please state your relationship to that person: _____

ii. Has that person ever practiced law in the area of criminal defense or prosecution?

Yes ___ No ___

24. Do you have any opinions about lawyers or law school that would make it difficult for you to render a fair and impartial verdict?

Yes ___ No ___

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If yes, please explain: _____

25. Have you, any family member, or close friend:

- a. Ever worked for or applied for a position in the U.S. Attorney's Office, District Attorney's Office, Attorney General's Office, New York City Department of Investigation, Police Department, Federal Bureau of Investigation, or other law enforcement agency?

Yes ____ No ____

If yes, please describe who, what agency, and when: _____

- b. Do you, any family member, or close friend work for a criminal defense lawyer or private investigator?

Yes ____ No ____

If yes, please describe who, the length and nature of their employment: _____

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- c. Are you or do you have any family members or close friends who are judges, law clerks, court clerks, court attendants, other types of court personnel, probation officers, or persons connected with any correctional institution, jail or penitentiary?

Yes ____ No ____

If yes, please describe who, the length and nature of their employment: _____

- d. If you answered “yes” to a, b, or c above, is there anything about these facts that would make it difficult for you to sit as a fair and impartial juror in this case?

Yes ____ No ____

If yes, please explain: _____

26. In the past ten years, have you or an immediate family member ever been a member of any group that lobbies or takes public positions on social or legal issues (for example, the right to bear firearms / gun control)?

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a. Yes ____ No ____

b. If yes:

i. Please describe the type of group (without specifically naming it) and the length of your involvement in the group: _____

ii. Would that experience prevent you from evaluating the evidence presented in this case in a fair and impartial manner? Yes ____ No ____

If yes, please explain: _____

27. Have you, any family members or friends ever volunteered your services to any law enforcement agency?

Yes ____ No ____

If yes, please give details: _____

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28. Have you ever attended any course(s), seminar(s), lecture(s), or demonstration(s) connected with any law enforcement agency?

Yes ____ No ____

If yes, please give details: _____

29. Please list any civic, religious, social, charitable, or other organizations (not including unions or employment-related groups) to which you belong or have belonged in the past 10 years, state the basic purpose of each organization, whether you held any leadership positions, and how long you have been / were a member:

<u>Organization</u>	<u>Purpose</u>	<u>Leadership (Y/N)</u>	<u>Length of Membership</u>
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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30. Please list any newspapers and magazines that you read or subscribe to. Indicate how frequently (for example, daily, weekly, monthly): _____

31. Not including friends and family members:

a. Please list three people you most admire (e.g. a public figure such as an athlete, actor, politician):

i. _____

ii. _____

iii. _____

b. Please list three people you least admire (e.g. a public figure such as an athlete, actor, politician):

i. _____

ii. _____

iii. _____

32. Television Viewing:

a. Approximately how many hours of television do you watch per week? _____

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b. List the television shows you watch most frequently and how often you watch them:

- i. _____
- ii. _____
- iii. _____
- iv. _____

c. Have you ever watched the show “House Arrest Starring Christopher Colombo” [on HBO]?

Yes ____ No ____

33. What criminal case(s) have you followed in the media? _____

34. Do you believe that the media presents both sides in a criminal case?

Yes ____ No ____

35. Radio:

a. Please list any radio stations or shows that you listen to. Indicate how frequently or how many hours per week: _____

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36. List any hobbies and special interests that you have: _____

37. Have you ever had previous experience as a juror? Yes ___ No ___

a. If yes, how many times? _____

b. Civil, Criminal, or Grand Jury? _____

c. When? _____

d. State or federal? _____

e. Briefly state the nature of the case(s) involved: _____

f. Was the case submitted to the jury for deliberations? Yes ___ No ___

g. Without disclosing your verdict, did the jury reach a verdict? Yes ___ No ___

38. Have you, a family member, or close friend ever been a party to a lawsuit? Yes ___ No ___

a. If yes, who (relationship to you): _____

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b. Were you / she / he the party who sued or the party who was sued? _____

c. What type of lawsuit was it? _____

d. What was the outcome? _____

e. Were you satisfied with the outcome? Yes ___ No ___

39. Have you, a family member, or close friend ever been a witness to or the victim of a crime?

Yes ___ No ___

If yes, please explain (without stating the names of the people involved): _____

40. Did you, your family member, or close friend report the crime(s) to the police or other law enforcement agency? Yes ___ No ___

a. If yes, do you feel that law enforcement personnel responded to the report appropriately?

Yes ___ No ___

b. Was anyone ever arrested for or charged with that crime? Yes ___ No ___

c. Were you, or was your family member or close friend, called to testify? Yes ___ No ___

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d. Is there anything about this experience that would make it difficult for you to evaluate the evidence in this case fairly and impartially? Yes ____ No ____

If yes, please explain: _____

41. Have you, a family member, or close friend ever been accused of, charged with, or convicted of any crime, or been the subject of a criminal investigation (other than a minor traffic violation)?

Yes ____ No ____

a. If yes, please explain the nature of the charges, approximate date, which government agency brought the charges, and the outcome (without stating any individual's name):

b. Do you feel that outcome was just? Yes ____ No ____

42. This case is being prosecuted by the United States Attorney's Office for the Southern District of New York. The United States Attorney for this District is Michael J. Garcia. Do you or does any relative or friend know or have any connection with Michael J. Garcia or anyone associated with his office? Yes ____ No ____

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If yes, please explain (without providing any names): _____

43. Do you or does any relative or close friend know or have any connection with any of the following prosecutors, or their relatives or friends (circle all that apply)?

- a. Lisa Baroni
- b. Jason Halperin
- c. Mia Munro (paralegal)

If you have selected anyone from the above list, please explain (without stating your relative's or friend's names, if applicable): _____

44. Have you seen, heard or read anything about any of these prosecutors or employees of the U.S. Attorney's Office? Yes ____ No ____

If yes, what have you seen, heard or read? _____

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45. Do you or does any relative or close friend know or have any connection to the following law enforcement officers or their relatives or friends (circle all whom apply)?

- a. Michael Pollice, FBI agent
- b. Natale Parisi, FBI agent
- c. Joseph Della Penna, U.S. Department of Labor agent
- d. Joseph McCabe, New York State Police
- e. Anthony (Tony) Vanturini, New York State Police

If you have selected anyone from the above list, please explain (without stating your relative's or friend's names, if applicable): _____

46. Do you or does any relative or close friend know or have any connection to the defendants in this case, ANTHONY COLOMBO, CHRISTOPHER COLOMBO, JOHN BERLINGIERI, JOSEPH FLACCAVENTO, NUNZIO FLACCAVENTO, and FRANCIS ALTIERI, or their relatives or friends?

Yes ____ No ____

If you have selected anyone from the above list, please explain (without stating your relative's or friend's names, if applicable): _____

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47. Have you seen, heard or read anything about the defendant, his relatives or friends? Yes ____
No ____

a. If yes, what have you seen, heard or read? _____

b. Have you formed an opinion as to the defendant based on anything that you have seen,
heard or read? Yes ____ No ____

c. If yes, what is that opinion? _____

d. Do you or does any relative or close friend know or have any connection with any of the
following defense attorneys or their relatives or friends (circle all whom apply)?

i. Louis Fasulo

ii. Aaron Goldsmith

iii. Jeremy Schneider

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iv. Annie Cantor

v. Marion Seltzer

vi. Louis R. Aidala

vii. Ira London

viii. Avrom Robin

ix. William Cagney

If you have selected anyone from the above list, please explain (without stating your relative's or friend's names, if applicable): _____

e. Have you seen, heard or read anything about any of these defense attorneys?

Yes ____ No ____

If yes, what have you seen, heard or read? _____

48. Is there anything in what you have seen, heard or read about the prosecutors, law enforcement personnel, the defendant, or defense attorneys that would prevent you from rendering a fair and impartial verdict in this case? Yes ____ No ____

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If yes, please explain: _____

49. Have you (or a close friend or relative) ever worked in the construction industry?

Yes ____ No ____

If yes, please describe the person's relationship to you (if applicable) and the nature of the work. Do not name the employer or your relative or friend: _____

50. Do you believe there are such things as organized crime families, "La Cosa Nostra" or the "Mafia"? Yes ____ No ____

51. Have you seen, heard or read anything (including books, magazines, movies, or television) about alleged associations referred to as "organized crime," the "Colombo Family," the "Gambino Family, the "Genovese Family," "Bonanno Crime Family," the "Mafia," or "La Cosa Nostra"? Yes ____ No ____

If yes, please list any books, magazines or newspapers you have read or any movies, or TV shows that you have seen depicting "organized crime," the "Mafia" or "La Cosa Nostra": _____

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52. Do you (or any of your relatives or close friends) know anyone or have you ever had contact with anyone reputed to have ties to organized crime? Yes ___ No ___

If yes, please explain the nature of the relationship, without naming the person reputed to have such ties: _____

53. Would listening to testimony about racketeering, conspiracy, operating an illegal gambling business, loansharking, extortion, commercial bribery, and mail fraud affect your ability to consider the evidence fairly and impartially in accordance with the instructions of the Court?

Yes ___ No ___

If yes, please explain: _____

54. Do you have any religious, philosophical, moral or other belief that might make you unable to render a guilty verdict for reasons unrelated to the law and the evidence? Yes ___ No ___

If yes, please explain: _____

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55. Do you have any doubt that you will be able to apply the law as it is explained, even if you disagree with it? Yes ___ No ___

If yes, please explain: _____

56. Do you believe that, even if you felt that a defendant's guilt is proven beyond a reasonable doubt, you might for any reason be reluctant to return a verdict of guilty? Yes ___ No ___

If yes, please explain: _____

57. Do you believe that, even if you felt that a defendant's guilt is NOT proven beyond a reasonable doubt, you might for any reason be reluctant to return a verdict of NOT guilty?

Yes ___ No ___

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If yes, please explain: _____

58. Is there anything of which you are aware, or is there anything about the nature of the charges as they have been explained to you thus far, that would affect your ability to be a fair and impartial juror in this case? Yes ____ No ____

If yes, please explain: _____

59. Have you read or seen, on television or radio, print media, or the internet, or any other source, any news coverage regarding this case? Yes ____ No ____

60. How familiar are you with this case?

_____ Extremely familiar

_____ Somewhat familiar

_____ Not very familiar

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61. Have you formed any opinions about the case?

a. Yes ____ No ____

If yes, please explain: _____

b. If you have formed opinions about this case, can you set them aside and base your decision entirely on the evidence presented in this courtroom, even if it conflicts with what you have previously heard? Yes ____ No ____

If no, please explain: _____

62. Has anything that you have heard or read about this case caused you to form an opinion as to whether this case should not be prosecuted? Yes ____ No ____

If yes, please explain: _____

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63. Every defendant is presumed innocent and cannot be convicted unless the jury, unanimously and based solely on the evidence presented at trial, decides that his guilt has been proven beyond a reasonable doubt. The burden of proving guilt rests entirely with the government. The defendant has no burden of proof at all.

Would you have difficulty following these rules? Yes ___ No ___

If yes, please explain: _____

64. The defendant is charged with a number of separate crimes. Under the law, you must consider each alleged crime separately. You must find the defendant not guilty of each count unless the evidence that has been presented in court proves him guilty on that count beyond a reasonable doubt.

Would you have difficulty following these rules? Yes ___ No ___

If yes, please explain: _____

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65. Under the law, a defendant need not testify in his own defense. If a defendant does not testify, the jury may not consider that fact in any way in reaching a decision as to whether a defendant is guilty or not guilty.

Would you have difficulty following this rule?

Yes ____ No ____

If yes, please explain: _____

66. Some of the evidence in this trial may consist of photographs taken of the defendant by law enforcement officials. The evidence may also include tape-recordings of telephone and other conversations of the defendants and others intercepted by law enforcement officials pursuant to court authorization. These investigative techniques are lawful and you may properly consider the evidence obtained in this manner. Do you have any objections about the use of such evidence?

a. Yes ____ No ____

If yes, please explain your objections: _____

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- b. If you have any objection to the use of such evidence, is there anything about your objection that would make it difficult for you to evaluate such evidence fairly and impartially?

Yes ____ No ____

If yes, please explain: _____

67. Some of the witnesses called by the government may have past criminal convictions, or may have been involved in some of the crimes charged in the indictment, or were involved in other serious criminal activity, including larceny and other crimes. These witnesses have pleaded guilty and are testifying pursuant to lawful agreements with the government. Some of these witnesses may be hoping that their testimony will result in a reduced sentence or some other benefit. There is nothing unlawful about the government's use of such witnesses.

- a. Do you have any objections to evidence and testimony obtained from this type of witness?

Yes ____ No ____

- b. If you have any objection to that type of evidence or testimony, is there anything about your objections that would make it difficult for you to evaluate the testimony of such a witness fairly and impartially, in accordance with the Court's instructions?

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Yes ____ No ____

If yes, please explain: _____

68. This case may receive attention in the media. Will you accept the proposition that the only evidence you should consider is the evidence received in this courtroom and that you are to ignore any statements made by the media?

Yes ____ No ____

69. Under the law, the facts are for the jury to determine and the law is for the judge to determine. You are required to accept the law as the judge explains it to you even if you do not like the law or disagree with it, and you must determine the facts according to those instructions.

Do you have any personal beliefs about what the law is or should be that would make it difficult to follow the Court's legal instructions, whatever they may be?

Yes ____ No ____

If yes, please explain: _____

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70. Under the law, the question of punishment, if any, is for the Judge alone to decide. The question of punishment, if any, should not enter into your deliberations on whether the government has proven a defendant guilty beyond a reasonable doubt.

Would you have any difficulty following this rule?

Yes ____ No ____

If yes, please explain: _____

71. You may hear testimony from or about the people, locations, or entities listed on Attachment A. Please turn to Attachment A at the end of this packet and circle the name(s) of any person, location, or entity that you know or have any connection with.

Trial Schedule

The Court and the parties expect that the jury selection process will be concluded no later than January __, 2007 and that the trial will commence on January 16, 2007. During the trial, the Court expects to sit Monday through Friday from 9 a.m. to 2 p.m.

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72. The Court and the parties estimate that, after a jury is selected, this case will last an estimated four to six weeks. Mere inconvenience or the usual financial hardships of jury service are insufficient to excuse a prospective juror. Do you wish to apply to the Court to be excused on the ground that jury service in this case would be a serious hardship?

Yes ____ No ____

If yes, please explain: _____

73. Do you have tickets and/or paid reservations for travel between January 4, 2007 and February 28, 2007?

Yes ____ No ____

If yes, please explain: _____

Attachment A

Circle the name of any person, location, or entity whom you know or with whom you have some connection:

James Austin

J.J. Austin

Broad Options

Dominick Cirillo

Mark Cirillo

Gerard Clemenza

Scott Colella

Anthony Colombo Jr.

Carol Colombo

Joseph Colombo

John Contino

Philip Dioguardi

DoubleClick, Inc.

EDP Construction, Inc.

EDP Interiors, Inc.

Patrice Fierek

Dominick Fonti

Fonti and Associates

James Garafola

Anthony Graziano

Richard Kelly

Juror Number _____

Frank Labriola

Steve Locurto

Randy Margulies

Dennis Maddalone

Warren Miller

Sarah Nasir

Anthony Paone

Linda Pantoliano

Frank Prevete

Renaissance Interiors

Eddie Robinson

Sarbens Furniture Corp.

Michael Schnurr

John Sitterly

Supreme Macaroni Company

Robert Vaccaro

XYZ Cleaning Contractors, Inc.

XYZ Maintenance Construction, Inc.

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